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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 IN THE EX PARTE MATTER OF:

9 MATEJ DIKANOVIC
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CASE NO. 19-5002 BHS

ORDER WITHDRAWING
APPOINTMENT AND CLOSING
CASE

13 This matter comes before the Court on the Government's status report. Dkt. 21.

14 On March 8, 2019, the Court appointed attorneys Stephen Willey and Brandi
15 Balanda ("Attorneys") to represent Matej Dikanovic ("Dikanovic"). Dkt. 10. On March
16 11, 2019, the Court held a status conference wherein the Attorneys asserted that they
17 attempted to meet with Dikanovic at the Northwest Detention Center ("NWDC").
18 Employees at the NWDC, however, informed the Attorneys that Dikanovic did not wish
19 to see these Attorneys.

20 On March 11, 2019, the Attorneys filed an emergency motion requesting an in-
21 person meeting with Dikanovic. Dkt. 15. Later that day, the Government responded and
22 expressed concerns about a forced in-person meeting. Dkt. 16. On March 12, 2019, the

1 Court granted the Attorneys' motion in part and denied it in part instructing the parties to
2 find a reasonable means to facilitate communication between Dikanovic and the
3 Attorneys. Dkt. 17.

4 On March 13 and 14, 2019, the Government and the Attorneys filed status reports.
5 Dkts. 18, 19. In sum, the Government arranged a conference call between Dikanovic and
6 the Attorneys, but Dikanovic refused to communicate with the Attorneys. On March 22,
7 2019, the Court requested additional information from the Government ensuring that
8 Dikanovic had a fair opportunity to communicate with the Attorneys. Dkt. 20. On
9 March 25, 2019, the Government responded and submitted a declaration from
10 Supervisory Detention and Deportation Officer Scott Meyer. Dkts. 21, 21-1. In his
11 declaration, Officer Meyer declares that, before the arranged call, Dikanovic verbally
12 stated that he did not want to talk with any attorney. Dkt. 21-1. During the call, Officer
13 Meyer declares that he placed an operating phone next to Dikanovic and that Dikanovic
14 refused to communicate over the open line to the Attorneys or their interpreter. Dkt. 21-
15 1.

16 Upon review of the evidence, the Court concludes that Dikanovic is competent
17 and made a knowing, intelligent, and voluntary refusal to accept representation. Thus,
18 the Court will withdraw the appointment of the Attorneys. The Court thanks the
19 Attorneys for their willingness to volunteer their time and resources in this matter. As of
20 the entry of this order, the Attorneys are terminated as attorneys of record for Dikanovic.

21 Regarding the need for additional medical attention, the Government contends that
22 Dikanovic is voluntary consuming food and drinking liquids. Although the intake is

1 sporadic, the Government's medical staff considers Dikanovic's hunger strike to be over.
2 Therefore, the Court finds no reason to keep this matter open, and the Clerk shall close
3 this case.

4 **IT IS SO ORDERED.**

5 Dated this 27th day of March, 2019.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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